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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,133	01/18/2002	Hideki Narusawa	GOTO-1	3806
7590	10/20/2005		EXAMINER CHOW, MING	
Steven I Weisburd Esq Dickstein Shapiro Morin & Oshinsky LLP 1177 Avenue of the Americas 41st Floor New York, NY 10036-2714			ART UNIT 2645	PAPER NUMBER

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/050,133

Applicant(s)

NARUSAWA, HIDEKI

Examiner

Ming Chow

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*Allowable Subject Matter*

1. Claims 3-6, 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The claimed limitation "a wireless telephone device with a memory that stores an additional message and an additional time period both of which corresponds to a predetermined telephone number. A selector selects one of said messages according to the measured time period" is considered as an allowable subject matter.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 7, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al (US: 6084951), and in view of Lee et al (US: 6463297), and further in view of Jonsson (US: 6643276).

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For claims 1, 8, Smith et al teach on Fig. 3 a wireless telephone with a display device.

Smith et al teach on column 5 line 60 timers.

Smith et al teach on column 1 line 32-37 identifying and displaying the caller's name and phone number by CLID.

Smith et al teach on Fig. 6 a memory storing a predetermined message.

Smith et al failed to teach "a memory storing.....a predetermined time period.....correspond[s] to a predetermined telephone number". However, Jonsson teaches on item 55 Fig. 2, column 4 line 12-19, a user profile (claimed "memory") comprises a set time period and telephone numbers so that the user may call the telephone numbers during the set time period.

It would have been obvious to one skilled at the time the invention was made to modify Smith et al to have the "a memory storing.....a predetermined time period.....correspond[s] to a predetermined telephone number" as taught by Jonsson such that the modified system of Smith et al would be able to support the system users conveniences of controlling calls made to the predetermined phone numbers only within the predetermined time period.

Smith et al failed to teach "the call is cut off within the predetermined time period". However, Lee et al teach on column 2 line 34 to column 3 line 33, disconnect a call according to a predetermined time period by using a timer.

It would have been obvious to one skilled at the time the invention was made to modify Smith et al to have the "the call is cut off within the predetermined time period" as taught by Lee et al such that the modified system of Smith et al would be able to support the disconnecting a call according to a predetermined time period by using a timer to the system users.

Regarding claim 7, Smith et al teach on column 5 line 60 LCD.

3. Claims 2, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al as stated in claim 1 above, and in view of Lee et al, further in view of Jonsson, and further in view of Houde (US: 5905958).

Smith et al in view of Lee et al and in view of Jonsson as stated in claim 1 above failed to teach “means for.....has passed”. However, Houde teaches on column 12 line 3-5 IMS (intelligent mobile station) activates Do Not Disturb feature for a defined time period.

It would have been obvious to one skilled at the time the invention was made to modify Smith et al, Lee et al, Jonsson to have the “means for.....has passed” as taught by Houde such that the modified system of Smith et al, Lee et al, Jonsson would be able to support the time period for prohibiting answering to a call the system users.

#### *Response to Arguments*

4. Applicant's arguments filed on 8/5/05 have been fully considered but they are not persuasive.

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- i) Applicant argues, on page 6-7, regarding claimed "timer". Smith et al teach on column 5 line 60, timers. Smith et al also teach on column 11 line 15, "timing of a call" (claimed "measuring a time from a time instant of receiving the call").
- ii) Applicant argues, on page 7, regarding claimed "a memory for storing.....a predetermined time period". New grounds of rejections have been stated above and it lead this Office Action to be non-final.

### *Conclusion*

5. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure.

- Toba (US: 6529747) teaches open/close-type portable telephone.

6. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (571) 272-7535. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or

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proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600. Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**


**Or faxed to Central FAX Number 571-273-8300.**

Patent Examiner

Art Unit 2645

Ming Chow

(m)

  
**FAN TSANG**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**